

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

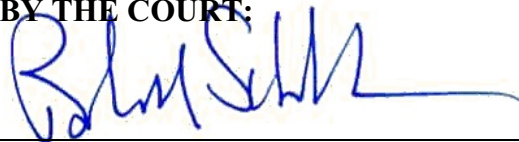
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|--------------------------------------|---|---------------------|
| LAMONT DANIELS, | : | |
| Plaintiff, | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA, et al., | : | No. 16-4270 |
| Defendants. | : | |

ORDER

AND NOW, this 3rd day of **January 3, 2017**, upon consideration of Defendants' Partial Motion to Dismiss Plaintiff's Amended Complaint for Failure to State a Claim, Plaintiff's response thereto, and for the reasons provided in this Court's Memorandum dated January 3, 2017, it is hereby **ORDERED** that:

1. Defendants' motion (Document No. 6) is **GRANTED in part and DENIED in part**.
2. Counts II, IV, and VI of Plaintiff's Amended Complaint are **DISMISSED**.
3. Count I of Plaintiff's Amended Complaint shall proceed to discovery.

BY THE COURT:



Berle M. Schiller, J.